

ORDINANCE NO. 023-131

AN ORDINANCE APPROVING THE
FISCAL YEARS 2024-2028 CAPITAL
IMPROVEMENT PROGRAM AND
AUTHORIZING THE FILING AND
EXECUTION OF GRANT AND
COOPERATIVE AGREEMENTS AND
AMENDMENTS AND RELATED
MATERIALS

WHEREAS, The Federal Transit Administration (“FTA”), an operating administration of the United States Department of Transportation (“USDOT”), is authorized to provide grants for transit improvement projects under Chapter 53 of title 49, as amended by the Infrastructure Investment and Job Act (“IIJA”), U.S.C. sections 5307, 5337, 5309(m)(2)(A), 5339, and 5340, and under 23 U.S.C. sections 117, 133, 142, and 149, and other federal statutes; and

WHEREAS, The FTA has been delegated authority to award federal financial assistance for transportation projects; and

WHEREAS, The Chicago Transit Authority (“Authority”) is or will be a Designated Recipient under 49 U.S.C. Section 5307(a) (2); and

WHEREAS, The Chicago Metropolitan Agency for Planning (“CMAP”) as the designated Metropolitan Planning Organization (MPO) for the Northeastern Illinois Region has approved funding from federal programs for the following projects in the Authority’s five-year capital program: Congestion Mitigation and Air Quality (CMAQ) funds of \$44.2 million for the purchase of electric buses and charging infrastructure, and \$30 million for the Red Line Extension (RLE) project; and

WHEREAS, CMAP administers Federal Section 5303 United Work Plan (UWP) funds to support the planning and development of the Agency’s five-year Capital Program for inclusion into the regional and State transportation improvement plans; and

WHEREAS, The Regional Transportation Authority (“RTA”) is the co-designated recipient for the Federal Section 5310 program for Enhanced Mobility of Seniors and Individuals with the Illinois Department of Transportation (“IDOT”). As a co-designated recipient of the Section 5310 Program, RTA awards and administers Section 5310 funds for eligible operating and capital projects that enhance mobility management. RTA has approved the use of federal funds of \$1.35 million to install tactile signage at Authority bus stops; and

WHEREAS, The United States Department of Homeland Security, which administers federal financial assistance for measures that enhance transit security, is prepared to make grant funds available to the Authority under the Transit Security Grant Program (TSGP) for capital projects; and

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WHEREAS, The grants or cooperative agreements for federal financial assistance will impose certain obligations upon the Authority, and may require the Authority to provide the non-federal share of the projects; and

WHEREAS, RTA is authorized to make grants for constructing or acquiring transportation facilities under Section 2.02 of the RTA Act; and

WHEREAS, RTA has implemented a new methodology to allocate regional capital funding, and specifically for FTA formula and State Motor Fuel Tax (MFT) funds. Beginning in FY 2025, the RTA region's total funding is to be distributed to each of the Service Boards including the Authority on the basis of the 2016 RTA Asset Condition Assessment where each agency's share of the total need for the region to reach a State of Good Repair (SOGR) was as follows: the Authority (59.7%), Metra (32.8%), and Pace (7.5%); the 2027 and 2028 allocations are based on an updated 20-year SOGR need calculation as follows: the Authority (59.7%), Metra (33.2%), and Pace (7.1%). Additionally, starting in FY 2027 performance-based capital program criteria will be applied where Service Boards will be elevated based on annual average age of outstanding (unexpended) capital grant funds and the percentages of funds spent in the current year; and

WHEREAS, The State Capital construction program known as Rebuild Illinois provides an annual recurring funding source to fund SOGR projects and meet deferred capital maintenance needs for transit agencies. Proceeds are generated from a 2019 increase in the State's Motor Fuel Tax of \$0.19 per gallon; and

WHEREAS, RTA allocated to the Authority Innovation, Coordination, and Enhancement (ICE) funds totaling \$15.9 million over FY 2025-26. The Authority plans to invest funds in making upgrades to train tracker digital signage throughout the system; and

WHEREAS, The Authority has provided, or will provide to the FTA, USDOT, IDOT, and RTA, all annual certifications and assurances required for the projects; and

WHEREAS, The Metropolitan Transit Authority Act, 70 ILCS 3605/12, empowers the Authority to issue bonds to finance capital projects, the FY 2024-2028 Capital Improvement Program ("CIP") includes receipt of approximately \$409.3 million in proceeds available to pay project costs from Authority capital bonds, and funds are aligned to reflect anticipated Authority bond needs; now, therefore:

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BE IT ORDAINED BY THE CHICAGO TRANSIT BOARD
OF THE CHICAGO TRANSIT AUTHORITY:

SECTION 1. The Fiscal Years 2024-2028 Capital Improvement Program in the amount of Three Billion Six Hundred Fifteen Million Four Eighty-One Thousand Seven Hundred Twenty-Seven Dollars (\$3,615,481,727.00) is hereby approved.

SECTION 2. The Chairman of the Chicago Transit Board and the President of the Chicago Transit Authority, or their designees, are authorized to execute and file applications on behalf of the Authority for financial assistance from any federal, state, or local agency or government, including but not limited to the Federal Transit Administration, the Illinois Department of Transportation, and the Regional Transportation Authority, to aid in financing the capital and planning projects included in the 2024-2028 elements of the CIP in an amount not to exceed \$1,092,357,830.00 (FY 2024 funds) and to amend grants approved under prior years' programs, pursuant to Title 49 of the U.S. Code, Chapter 53, Title 23 of the U.S. Code, and 70 ILCS 3615, 20 ILCS 2705, and 30 ILCS 330 et seq.

SECTION 3. The Chairman and President, or their designees, are authorized to execute and file the annual certifications and assurances and such other documents as are required by any federal, state, or local agency or government, including but not limited to the Federal Transit Administration, Illinois Department of Transportation, or Regional Transportation Authority.

SECTION 4. The Chairman and President, or their designees, are authorized to execute grant and cooperative agreements and amendments and any subsequent amendments thereto that do not increase the aggregate amount of the CIP or substantially change the CIP.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

Chairman

November 15, 2023

PASSED:

Secretary

November 15, 2023